COCHIN LEGISLATIVE COUNCIL PROCEEDINGS.

(Official Report).

Third Sitting of the Legislative Session, 1101

Friday the $\frac{29th\ of\ Kumbham\ 1101.}{12th\ of\ March\ 1926.}$

The last meeting of the Legislative Session was held on Friday, the 29th of Kumbham 1101 at 11-30 a. m. in the Town Hall, Ernakulam, with the President in the Chair.

Among the members, Messrs. C. Achyuta Menon, A. Eachara Menon, K. Krishna Menon, M. Krishna Menon, Lonappan Chakkola, P. Munda Vaidhyan, S. F. Nunez, Poulo Mampilli, K. S. Rama Ayyar, A. Sankara Puduval and H. J. Walmesley were absent.

President.—This you know is the concluding day of the present sitting, and I am considering whether we might not extend our noon work till 3 p. m. and then bring the meeting to a close. In the after-noon there will be very few non-official members present to take part in the discussion of resolutions, and I don't think it proper or fair to discuss the resolutions without taking the sense of the Council, when the non-official members are not here. (*Hear, hear*). Yesterday there were only about 12 non-official members present. It appears to me to be the proper thing to bring the sitting to a close as early as possible. We will sit continuously till 3 p. m., without rising for lunch.

Questions and Answers.

Deposit in the Bohemian Bank.

433. Mr. A. B. Salem.—Will the Government be pleased to inform.—

(1) What amount of Government money was deposited in the Bohemian Bank;

(2) What amount remained in the Bank at the end of April 1922 or when Rao Bahadur Mr. P. Narayana Menon became Diwan of Cochin;

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(3) How many times Diwan Mr. Narayana Menon visited the Potteries, while Mr. Kuehnel was in charge of the same;

(4) Whether Mr. Dunk's visit to the Potteries was by invitation from the Diwan;

(5) How many times Mr. Kuehnel's term was extended during Mr. Narayana Menon's Diwanship;

(6) What was the balance amount in the Bohemian Bank at the time when Mr. Kuehnel's term was extended for the last time by Diwan Mr. Narayana Menon;

(7) What steps were taken by Diwan Mr. Narayana Menon, while Mr. Kuehnel was in service, to realise the balance amount that were in the Bohemian Bank;

(8) What amounts are now due from (a) the Bohemian Bank (b) from Mr. Kuehnel; (c) what amount is due to Mr. Kuchnel on account of salary?

Mr. V. K. Aravindaksha Menon.—

(1) Rs. 8,467—14—6 the equivalent of £ 568—18—9. Its value in Kronens was K. C. 2.14916.33.

(2) K. C. 1.78.209.70.

(3) The exact number cannot now be ascertained.

(4) Government cannot say.

(5) Twice.

(6) K. C. 98.331.70.

(7) The matter is still under correspondence.

(8) (a) & (b) K. C. 88.973.71 and marks 90,000 on account of transactions with the Bohemian Bank for which Mr. Kuehnel is responsible; (c) A sum of Rs. 499—8—4 is due to Mr. Kuehnel towards his salary.

Mr. A. B. Salem.—The remaining questions of yesterday's agenda may be taken up so that I may have an opportunity of asking certain supplementary questions.

President.—What is the practice followed in other Councils? Do they continue the questions and answers from where they left off the previous day, when there is no time to finish them on the first day?

Mr. A. B. Salem.—They are not in the list of questions for to-day. They are already on the table. Resolutions are carried over to the next day, although they are not in the agenda. Why not observe the same rule with regard to questions and answers also?

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Dr. A. R. Menon.—There is a specified time for this. One hour is allotted for this item of work alone; and yesterday the President was kind enough to extend the time till 1 o'clock. If this is the case every day, I am sure it will interfere with the general work. Suppose I ask a question involving a series of questions by cross-examination. There will be no end for all this. The President allows all these out of mere consideration that the members are new to the work, and we take advantage of that consideration.

President.—This is the initial stage. Gradually, we will get rid of this habit. Mr. Salem, after all, I do not know whether you have got very many supplementary questions to ask?

Mr. A. B. Salem.—If I put a supplementary question, the Chair would at once check me. I have got that confidence. None of these answers that the Heads of Departments supply us with, is to the point. I mean no reflection on the President's attitude, nor do I mean any aspersion on any particular member on the score that he has come here to impede the work of the Council.

Dr. A. R. Menon.—Such remarks are quite out of place.

President.—What the member wants to impress upon the House is the value of time.

Dr. A. R. Menon.—We must have a sense of proportion in regard to these things.

Mr. A. B. Salem.—I know our time is valuable. My point is that I may be allowed a few minutes to get through yesterday's remaining questions. One or two questions may remain. The President was pleased to rule that we are to look to the substance rather than to the mere form of the rules.

President.—What strikes me most is that you should raise so many questions about this Anappara affair again and again. I do not know whether anything more has to be said in that connection.

Mr. A. B. Salem.—Sir, am I asking these questions for my own benefit?

President.—No, certainly not. But, of course, you know sometimes Government may take one view, and people take another view. How can Government change that view when once, in pursuance of that, something definite and final has been undertaken ?

Mr. A. B. Salem.—The partition of Bengal was a settled fact and it was reconsidered. It was a subject of controversy for years in the House of Commons.

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President.—You had better bring in a resolution to the effect that the Leper Asylum should be located at Anappara. Let us take the sense of the Council on that, and then we shall decide. Instead of that, you go on asking questions after questions.

Mr. A. B. Salem.—I ask these questions so as to enable me to be fully armed with as many facts as possible before bringing in a resolution, so that there may not be any occasion for the Government to pounce upon my head any new piece of information.

President.—You have resources at your command, and you are ready for any emergency (*Laughter*). What is the practice elsewhere in regard to the disposal of the previous day's questions? You can draw my attention to the practice followed in any other Council.

Mr. T. K. Krishna Menon.—So far as I have seen, in the Provincial Councils or the Council of State or the Legislative Assembly, questions set for the day are not adjourned to the next day.

Mr. George Chakyamuri.—If yesterday's remaining questions are not being taken, the questions in to-day's agenda should be given fresh numbers.

Mr. C. A. Ouseph.—They must remain unanswered, because the names of the members were not called by the Secretary.

President.—This can be called an item of business. I am inclined to look to the practice that is being followed elsewhere rather than strike out a path for ourselves.

Mr. A. B. Salem.—15 minutes have been spent on this point of order, and if I had been allowed that time, I would have been able to ask the supplementary questions. Now, this time has been wasted.

President.—Mr. Salem, all this should not be considered as mere waste of time. We must finally dispose of this question so that it may not be raked up on future occasions.

Mr. A. B. Salem.—Whatever facilities can be afforded to the non-official members must be given.

President.—The question is whether questions and answers form an item of business. Yesterday, it was stated that it is not an item of business.

Mr. C. A. Kunjunni Raja.—S. O. 13 "Leave to make a motion for the adjournment of the business of the Council for the purpose of discussing a definite matter of urgent importance may be asked for after the questions and before the list of busi-

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ness for the day is entered upon ". It clearly shows that questions and answers do not come under the list of business and so, taking a broad view of the matter, it is not included in the business appointed for the day. "Questions and answers" not being part of the business for the day cannot stand over until the next day.

Mr. A. B. Salem.—This argument does not hold water. I should have a right to put supplementary questions.

President.—If a supplementary question is put and the Member in charge of the Department is not in a position to answer, can the question be taken up the next day?

Dr. A. G. Menon.—It depends upon the discretion of the President.

Mr. N. Padmanabha Menon.—Here no permission of the President was asked for nor given. The President has got the power to regulate the business of the Council in all matters not provided for.

Mr. C. A. Ouseph.—Appendix II of the *Manual*. "The Secretary shall call the name of each interpellator in serial order, specify the serial number of his questions and make a sufficient pause to allow him a reasonable opportunity of rising in his place, if he is desirous of asking a supplementary question. Supplementary questions must be put immediately after the principal questions to which they relate".

Rule 12 says that "Questions shall be put and answered as the President may determine". Now, the condition that the questions should be placed on the table is satisfied, because the questions were placed yesterday, not only 15 minutes before but one full day. It has not been said here that on a particular day questions shall be asked which have not been placed on the table on that particular day. The fact that the question was placed on the table on Thursday would not prevent the question being asked on Friday.

President.—Placing on the table is different from putting the question. Placing on the table is only for the convenience of the members to get sufficient time to frame supplementary questions. The answers are given an hour before. In the present case we have got one day. It is not said in this rule that only those questions which are placed on a particular day will be taken on that day. If there were such a provision, Mr. Padmanabha Menon's point of order will stand.

Mr. Chakko Cheruvathur.—The appendix makes matters clearer. The Secretary shall call the name of each interpellator in serial order.

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President.—These requirements have not been conformed to so far as these four questions are concerned.

Mr. V. K. Kochunni Menon.—"Questions which have not been disallowed shall be entered in the list of questions for the day and shall be called, if the time made available for questions permits, in the order in which they stand in the list before any other business is entered upon". So if the time permits, there is no harm in taking up these questions.

Dr. A. G. Menon.—There is nothing in the rules. It is entirely left to the discretion of the President. That is my view of the matter. The President should regulate the business of the day. If you allow it, Sir, it can be taken; if you refuse, it may be rejected. It is entirely in your discretion.

Mr. A. B. Salem —Once a question is put, it must be answered by the Government. There is no lapsing of questions that have been allowed.

Diwan Bahadur Dr. V. Verghese.—"All business appointed for the day will stand over to the next day". If it is business it can stand.

President.—Yesterday, I gave a ruling.

Mr. V. K. Kochunni Menon.—"The President shall have power to regulate the conduct of the business in the Council in all matters not provided for in the Regulation, the Rules or the Standing orders". Besides it is specifically provided that questions shall be put and answers given in such a manner as may be determined by the President.

Mr. Chakko Cheruvathur.—The questions should be taken in serial order.

Mr. A. B. Salem.—This question must form part of the statement of business for the day. The agenda has been prepared accordingly.

President.—The point is whether the answering of questions can be regarded as business.

Mr. C A. Kunjunni Raja.—The putting of the questions is when the Secretary calls the names of the members. If the Secretary does not read it, it will not stand over to the next day.

Mr. C. A. Ouseph.—I think that this is business. The list of business is a complete thing. Rule 13 says that the question can be considered as part of the statement of business for the day.

President.—What do you mean by statement of business

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Mr. C. A. Ouseph.—The list of business. It seems to me that a distinction is meant to be drawn by the use of the words 'list' and 'statement'. List is a complete thing. S. O. 13 makes it clear by the term 'statement of business'. Under "list of business" any question is brought.

Mr. A. B. Salem.—I will draw your attention to S. O. 3. The terms 'list of business' as well as 'statement of business' occur in the same sentence. They mean the same thing.

President.—We have to take the common sense view. I have to give a ruling, and that ruling has to be final.

Mr. A. B. Salem.—It is my right to put questions, and that right is to be given me. It cannot be taken away. So long as I am on my legs, I can ask any number of questions, unless I am asked by the President to sit down.

President.—Is it not open for you to put those questions afresh?

Mr. A. B. Salem.—The right remains with me. I need not ask these questions; because Government will have to go through the same procedure, as they have already gone through.

Mr. N. Padmanabha Menon.—If it is your pleasure, Sir, I would like to add a word or two. There is a difference between asking a question, putting a question and answering a question. Questions and answers do not form an item of business. Allowing certain questions to be put is not an item of business. These questions are allowed to be put only on a particular day, and if the member wants extension of time and expressly asks for it, the President may be pleased to give that. I am sorry Sir, you will be pleased to see rules and laws are always technical. These will have to be decided technically. If a question comes, it can be interpreted by so many rules. Here this is a question of convenience, and the object is to save the time of the Council. When arranging business, if a certain number say 2 Bills and 4 resolutions are fixed, and if other Bills are brought, the 2 Bills will have to wait, and the resolution will have to go for the next meeting. Perhaps, in the case of ballotting, if certain resolutions are not ballotted, of course, they will have to wait. If supplementary questions are to be put on a previous question and the time is over, and the President is not pleased to extend the time further, the member will have to wait and give fresh notice. You will be pleased to decide this point.

President.—A point of order has been raised in regard to a matter relating to questions and answers, and I must say that it is a matter not free from difficulty. There is no clear guidance

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furnished by the Rules or Standing Orders for a decision of the point. The question shortly is whether the questions whose answers were placed on the table, and which were not put for want of time on a particular day can be carried over to the succeeding day.

I had occasion to rule yesterday that the item 'Questions and Answers' does not properly form a part of the list or statement of business. Under S. O. 8, which has reference only to business, it is provided that all business appointed for any day and not disposed of on that day shall stand over until the next day. The questions and answers, not being a business prescribed for the day, cannot be allowed to stand over. I accordingly rule that the questions not put on a particular day will not be carried over to the succeeding day.

Mr A. B. Salem.—Will these questions lapse ?

President.—Do not the rules guide ?

Mr. A. B. Salem.—It will lapse only after the session is over.

Mr. O. R. Chummar.—The session will be over to-day.

President.—Go on with questions and answers.

Mr. A. B. Salem.—With reference to (3) have the records been destroyed ? It is stated here " the exact number cannot now be ascertained." I ask whether the Government can state the exact number of times. Is there no Visitors' Book kept here ?

President.—Where ?

Mr. A. B. Salem,—Either in the Potteries or in the Huzur. Is in't it in the Diwan's diary ?

Mr. V. K. Aravindaksha Menon.—No Visitors' Book is being kept in the Potteries and no diary in the Diwan's Office.

President.—The diary will show where he was on a particular day, to which place he went and all that.

Mr. A. B. Salem.—Will not the diary of the Diwan show what all places he visited and for what purposes he travelled ?

President.—What diary are you referring to ? The Diwan is not keeping any official diary.

Mr. A. B. Salem.—No record of the Diwan's visit ? I do not know whether there is a diary or not for the Diwan. I have not been a Diwan myself. (*Laughter*).

President.—I might say from my experience, I keep a diary showing where I went, what I did and all that. But I cannot say with reference to previous Diwans how they conducted

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the business. I know Mr. Sankunni Menon had kept one. Mr. Narayana Menon has kept no diary. There is no diary of his that has come to the knowledge of the Government.

Mr. A. B. Salem.—Is it because that he has never kept one ?

President.—So far as office records show, there is none. He might have kept one for his private use.

Mr. A. B. Salem.—Is there any report to be submitted regarding these to His Highness through the Huzur Office—any official report ?

President.—Which official report ? Heads of Departments have to send an official report. They send tour diaries.

Mr. A. B. Salem.—Is there a tour diary for the Diwan also ?

President.—No.

Mr. A. B. Salem.—As regards (4) the answer is "Government cannot say ".

President.—Because all this information is furnished from the records. These records do not show that he has been invited.

Mr. A. B. Salem.—Are there no records in the Huzur Office with reference to the persons who live in the Guest House—gentlemen who are invited as State guests ? My information was Mr. Dunk was put up in the Guest House.

President.—Might be.

Mr. A B. Salem.—It is now said "Government cannot say" Are there no records?

President.—Is it about the Guest House you are referring to ?

Mr. A. B. Salem.—No, Sir. The question is whether Mr. Dunk's visit to the Potteries was by invitation from the Diwan?

President.—You are referring to his visit to the Potteries; what has the Guest House to do with that?

Mr. A. B. Salem.—The question is whether Mr. Dunk was asked to visit the Potteries.

President.—They have furnished this information from the files in the office. If Mr. Narayana Menon were asked, he might say whether he was invited by him and all that.

Mr. A. B. Salem.—What I mean pointing out is there must be an official record with reference to Mr. Dunk's visit.

President.—There is a record.

Mr. A. B. Salem.—Now, you say Government cannot say whether there is a record.

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President.—Your question is whether Mr. Dunk's visit to the Potteries was by invitation from the Diwan. There is nothing to show that the Diwan invited him to visit the Potteries. That is the answer.

Mr. A. B. Salem. —Government says that he has visited the Potteries. Do they not deny that he has visited the Potteries?

President.—The file will show that he has visited the Potteries.

Mr. P. Damodara Menon.—There is no file regarding the visit, no Government record at all.

Mr. A. B. Salem.—Does the Government deny that Mr. Dunk visited the Potteries?

President.—The Secretary says there is no file.

Mr. V. K. Aravindaksha Menon. —That is exactly what I said, "Government cannot say".

Mr. A. B. Salem.—Let that be so. The question was whether Mr. Dunk visited the Potteries at the invitation of the Government or the Diwan.

Mr. V. K. Aravindaksha Menon.—That is a point on which information could not be found from the records.

President.—His supplementary question is whether, as a matter of fact, Mr. Dunk visited the Potteries.

Mr. V. K. Aravindaksha Menon.— That requires notice.

President.—Probably, *you* know that he visited?

Mr. A. B. Salem.—I know as a matter of fact that he visited. But I should like to know whether it was by invitation from the Government.

President.—It is a well-known fact that he visited.

Mr. A. B. Salem.—Government says that it does not know of the fact and that it requires notice.

President.—Why do you put this question?

Mr. A. B. Salem.—My reason for putting this question is this; Government money—public money—was spent for his visit. If we invited him to visit, and if we spent money, we will be justified. If we did not invite him, and if he came of his own accord, Government cannot spend the money. That is the reason.

President —Now, notice may be given of this question.

Mr. A. B. Salem.—Sir, my question was "what steps were

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taken by Diwan Mr. Narayana Menon, while Mr. Kuehnel was in service, to realise the balance amounts that were in the Bohemian Bank?" The answer given by the Chief Engineer is, "the matter is still under correspondence." I do not want to know whether it is still under correspondence or not. I only want to know what steps Diwan Mr. Narayana Menon took, while he was in service? If he took no steps, I shall be glad to know that.

President.—Is there anything to show that steps were taken?

Mr. K. Krishna Pisharodi.—A certain sum was kept in the Bohemian Bank in his name to get some articles from Germany. And every day he was importing some articles. Only when he was about to go, he was asked to transfer his money from his name to that of the Government, and the Diwan ordered accordingly.

Mr. A. B. Salem.—There was no necessity. Have you any amount to recover from his pay? Did the Government take any steps? What steps were taken?.

Mr. K. Krishna Pisharodi.—He was asked to transfer the amount outstanding in his name—Government money outstanding in the name of Mr. Kuehnel—to the Government. He handed a receipt, and that was sent.

Mr. A. B. Salem.—Was the amount transferred in the name of the Government? Am I to take it that the Finance Member's answer is tantamount to say that Diwan Mr. Narayana Menon took no steps, as no steps were necessary?

President.—The answer provided does not show that.

Mr. K. Krishna Pisharodi.—"What steps were taken by Diwan Mr. Narayana Menon, while Mr. Kuehnel was in service, to realise the balance amounts that were in the Bohemain Bank"? The amount was kept in the Bank for a certain purpose, and that purpose was not fully served at that time. So there was no necessity to take any steps at that time, i. e. at the time of Diwan Mr. Narayana Menon, before Kuehnel left the service. When Mr. Kuehnel left the service, he was asked to transfer the amount in the name of the Government.

Mr. A. B. Salem.—"While Mr. Kuehnel was in service" that is my question—not after he left the service.

Mr. K. Krishna Pisharodi.—There was no necessity to take any steps while he was in service.

Mr. A. B. Salem.—So I am correct in saying that no steps were taken by Government during Mr. Narayana Menon's time.

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Mr. K. Krishna Pisharodi.—That is all what I know.

A road to connect theVadakkancheri-Kunnamkulam road and the Cheruvirutti-Ponnani road.

434. മിസ്റ്റർ കപ്ലിങ്ങാട്ട് ശങ്കരൻ നമ്പൂതിരി.—

(എ) വടക്കാഞ്ചേരി കുന്നംകുളം റോഡും ചെറുവിരുത്തി പൊന്നാനി റോഡും തമ്മിൽ ബന്ധിക്കുന്നതിലേക്കുവിധം നെല്ലുവായിൽനിന്ന് വടക്കോട്ട് ഒരു റോഡുണ്ടാക്കുന്നതിലേക്കായിട്ടുള്ള 93ന്നു ശേഷം ഗവർമ്മെണ്ടു വല്ല അന്വേഷണങ്ങളും നടത്തിയിട്ടുണ്ടോ?

(ബി) ഉണ്ടെങ്കിൽ അന്വേഷണം നടത്തിയ ഉദ്യോഗസ്ഥന്മാർ ഗവർമ്മെണ്ടിലേക്കയച്ച റിപ്പോർട്ട് മേശപ്പുറത്തു വെക്കാമോ?

മിസ്റ്റർ വി. കെ. അരവിന്ദാക്ഷമേനോൻ.—

(എ) ഇല്ല.

(ബി) മുകളിൽ കൊടുത്തിട്ടുള്ള മറുപടി കൂടി ശേഷം ഈ ചോദ്യത്തിനിടവരുന്നില്ല.

മിസ്റ്റർ കപ്ലിങ്ങാട്ട് ശങ്കരൻ നമ്പൂതിരി.—ഈ റോഡിനെ സംബന്ധിച്ച് വല്ല അപേക്ഷകളും ഗവർമ്മെണ്ടിലേക്ക് കിട്ടിയിട്ടുണ്ടോ?

മിസ്റ്റർ വി. കെ. അരവിന്ദാക്ഷമേനോൻ.—ഉവ്വ്.

മിസ്റ്റർ കപ്ലിങ്ങാട്ട് ശങ്കരൻ നമ്പൂതിരി.—എന്നിട്ട് അന്വേഷണം നടത്തുന്നതിനുള്ള പ്രത്യേക കാരണങ്ങൾ വല്ലതും ഉണ്ടോ?

മിസ്റ്റർ വി. കെ. അരവിന്ദാക്ഷമേനോൻ.—വേണ്ട അന്വേഷണങ്ങൾ നടത്തുന്നതിനുള്ള ഏർപ്പാടുകൾ ചെയ്തുവരുന്നുണ്ട്.

The Report of the Committee on Communications.

435. Mr. C. A. Ouseph.—Will the Government kindly place on the table. —

(a) The Report of the Committee appointed by Mr. Bhore to report on Communications with a list of the roads recommended by the Committee ;

(b) A list of roads newly opened by the Government after the receipt of the said Committee's Report ;

(c) A statement showing the total expenses incurred by the Government on each road newly opened after the receipt of the said Committee's Report?

Mr. V. K. Aravindaksha Menon.—(a) The Report is placed in original on the Council Secretary's table for perusal.

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